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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,968	10/01/2003	Katsuhisa Ogawa	B588-656 (25815.672)	9275
26272 7590 07/09/2009 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER				
CLOUD, JOEY A M				
ART UNIT		PAPER NUMBER		
2444				
MAIL DATE		DELIVERY MODE		
07/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/677,968

**Applicant(s)**

OGAWA, KATSUHIKA

**Examiner**

Joiya M. Cloud

**Art Unit**

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

This action is responsive to the communication filed 04/28/2009. Claims 16-20 are PENDING.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/28/2009 has been entered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 16-20**, are rejected under 35 U.S.C. 102(b) as being anticipated by Reuss (U.S. Patent No. 7,376,123 B2)

**As per claim 16**, Reuss teaches a service provision method, comprising: acquiring before shipment of a terminal apparatus a host address of the terminal apparatus as connected to a first

network **(a unique MAC address acquired before shipment, in other words before asset tracking, col. 4, lines 47-61 and col. 7, lines 50-54)**; acquiring owner information of the terminal apparatus **(col. 6, lines 34-44)**; acquiring a network address of the second network in accordance with the acquired owner information acquired at the second acquisition step from a database storing the network address of the second network and the owner information of the terminal apparatus **(col. 7, lines 50-55)**; acquiring after shipment (when the asset is being utilized and desired for tracking) of the terminal apparatus, when a signal is transmitted from the terminal apparatus via the second network, a host address and a network address of a sending side included in the signal; determining the host address of the terminal apparatus acquired before shipment of the terminal apparatus and the acquired network address of the second network to coincide with the host address and the network address acquired after shipment of the terminal apparatus **(col. 7, lines 55-67 and col. 14, lines 11-16)** and of providing a service, via the Internet, to the terminal apparatus via the second network **(col. 9, lines 28-40, where service updates are carried out by center managers)**.

**As per claim 17**, Reuss teaches a method wherein, in acquiring before shipment of the terminal apparatus the host address of the terminal apparatus, a host address of an terminal apparatus connected to a first network in an apparatus factory is acquired **(col. 4, lines 47-61 and col. 7, lines 50-54)**.

**As per claims 18 and 19**, Reuss teaches a method wherein, in acquiring the network address of the second network, a part of the network address of the second network is acquired from an Internet service provider for connecting the second network to the Internet and wherein,

in acquiring the network address of the second network, a part of the network address of the second network is acquired from a DNS server (**col. 8, lines 1-15 and col. 14, lines 56-64**).

**As per claim 20**, claim 20 is substantially the same as claim 16 and list similar limitations, but in apparatus form rather than method form. Therefore, the rejection for claim 16 applies equally as well to claim 20.

### ***CONCLUSION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/677,968

Page 5

Art Unit: 2444

*JMC*

**July 1, 2009**

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444